

III. REMARKS

1. Claims 33-42 and 44-62 remain in the application. Claims 1-32 and 43 have been cancelled without prejudice. Claims 33-42, 44-48, 50, 52-57, 59, 61, and 62 have been amended.

2. Claims 35, 36, 38-42, 50, and 55 are not anticipated by "Lovegety." ([www6.cnn.com /WORLD/asiapcf/9806/07/fringe/japan.lovegety/](http://www6.cnn.com/WORLD/asiapcf/9806/07/fringe/japan.lovegety/) and <http://www.geocities.com/Pentagon /Bunker/5921/lovegety.html>) under 35 USC 102(a).

Applicants note that <http://www.geocities.com/Pentagon /Bunker/5921/lovegety.html>) is not a valid reference. The copyright notice for this Internet article is dated 1999-2004. From MPEP 2128: "Absent evidence of the date that the disclosure was publicly posted, if the publication itself does not include a publication date (or retrieval date), it cannot be relied upon as prior art under 35 U.S.C. 102(a) or (b)." Applicants submit that a copyright notice with a span of five years is not sufficient evidence that the particular Lovegety article was publicly available as of 29 December 2000, the effective filing date of the present application.

Lovegety fails to disclose or suggest any of the features of claims 36, 50, or 55.

There is no disclosure anywhere in Lovegety that even hints at trading or obtaining digital collectable cards. The Examiner states that "the Lovegetty devices are capable to trading data information with other Lovegetty devices." There is no indication of this in Lovegety. The device simply recognizes when another device is in proximity and doesn't trade digital collectible cards. Trading information is not a disclosed feature of the Lovegety device and the Lovegety device does not trade digital collectable cards.

On page 11 of the final rejection mailed 2 November 2007, the Examiner states that if the prior art structure is capable of performing the intended use, then it meets the claim. The Lovegety structure is clearly not capable of performing the functions of the present claims.

Lovegety has no disclosure related to a detector arranged to detect whether a second mobile terminal is available for trading a digital collectable card or for detecting a request for availability of a digital collectable card data file. Again, there is nothing evenly remotely related to digital collectable cards in Lovegety and nothing about a detector for detecting whether a second mobile terminal is available for trading a digital collectable card.

Lovegety has no disclosure related to a short-range wireless communication transceiver for directly communicating with a second mobile terminal for trading a digital collectable card. Lovegety is silent with respect to digital collectible cards and with respect to trading such files with another mobile communication terminal.

For all the reasons argued above, there is nothing in Lovegety related to a first mobile terminal having a user associated with a first card of a plurality of digital collectable cards and nothing related to a system is configured to detect the availability of the first card.

Because there is nothing in Lovegety related to digital collectable cards, there is also nothing in Lovegety related to a second mobile terminal having a second user, the second mobile terminal being capable for associating the second user with the first card.

Lovegety also has nothing related to a system configured to detect whether the second mobile terminal is available for trading the first card. In addition, there is nothing about a short-range wireless communication transceiver for directly communicating between the first and second mobile terminals for trading a card.

At least for these reasons, Lovegety fails to disclose or suggest all the features of independent claims 36, 50, and 55 and thus fails to anticipate these claims and dependent claims 35 and 38-42.

3. Claims 33, 34, 37, and 51-54 are patentable over Lovegety under 35 USC 103(a).

Applicants again note that <http://www.geocities.com/Pentagon/Bunker/5921/lovegety.html>) is not a valid reference for the reasons stated above.

Claims 33, 34, 37, 53, and 54 depend from claim 36, and claims 51 and 53 depend from claim 50.

As argued above, Lovegety fails to disclose or suggest any of the features of claims 36 and 50, and those features of claims 36 and 50 missing from Lovegety are not known in the art. Therefore Lovegety fails to render claims 33, 34, 37, and 51-54 unpatentable.

4. Claims 44-49 and 56-62 are patentable over the combination of Lovegety and Sehr (US 6,325,295) under 35 USC 103(a).

The combination of Lovegety and Sehr fails to disclose or suggest a method including:

trading a digital collectable card associated with a user of a first mobile phone, including:

detecting whether a second mobile phone is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card; and

communicating within an operational range of short range wireless communications directly between the first and second phones for trading the particular digital collectable card,

as recited by claim 45.

As argued above, Lovegety fails to disclose or suggest detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card. Sehr discloses a hardware portable collector card device that uses smart card technology. However, there is no disclosure that the hardware card or any other device in Sehr is a mobile phone, and no suggestion or hint of detecting whether a second mobile terminal is available for trading

a digital collectable card, including detecting the availability of a particular digital collectable card. Sehr describes a card system with a card issuer, a card service center, a card station and one or more service providers. Various services are available via the hardware card, including storing collectable information, security data, loading monetary values and electronic payment forms, and using the card to view the collectable information and to pay for goods and services. Nevertheless, there is no mobile phone in Sehr capable of detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card.

The combination of Lovegety and Sehr also fails to disclose or suggest communicating within an operational range of short range wireless communications directly between first and second phones for trading the particular digital collectable card. Lovegety has no disclosure related to trading digital collectable cards at all. Sehr also has no disclosure related to communicating within an operational range of short range wireless communications directly between the first and second phones for trading the particular digital collectable card. There is no mention of trading a card associated with a user of a mobile phone. Furthermore, there is no mention of a trading a digital collectable card with another mobile phone.

Because the combination of Lovegety and Sehr fails to disclose or suggest all the features of claim 45, the combination of Lovegety and Sehr fails to render independent claim 45 and dependent claims 44 and 46-49 unpatentable.

Claim 56 depends from claim 55. The combination of Lovegety and Sehr fails to disclose or suggest a cellular mobile communication phone, comprising:

circuitry arranged to obtain a digital collectible card data file associated with the cellular mobile communication phone,

a short-range wireless communication transceiver arranged to detect whether another cellular mobile communication phone is in an operational range with the cellular mobile communication phone,

the short-range wireless communication transceiver further arranged to detect a request for availability of the digital collectible card data file, and

the short-range wireless communication transceiver further arranged to communicate so that the digital collectible card data file can be traded with the another cellular mobile communication phone,

as recited by claim 55.

None of the cited references, either alone or in combination, disclose or suggest the features of claim 55. Applicants respectfully submit that there is no explicit disclosure that Lovegety devices trade information. The device simply recognizes when another device is in proximity. More importantly, the Lovegety device does not trade digital collectible card data files. Sehr has no disclosure related to this feature. Furthermore, there is no disclosure in either reference related to obtaining digital collectible data card files associated with a cellular mobile communication phone. In addition, neither reference has any disclosure related to a short-range wireless communication transceiver further arranged to detect a request for availability of the digital collectible card data file. Applicants find no suggestion or even a hint that the Lovegety or Sehr devices have a transceiver capable of detecting an availability request of a digital collectible card data file. Still further, neither reference discloses a short-range wireless communication transceiver further arranged to communicate so that the digital collectible card data file can be traded with another cellular phone. Because neither reference discloses or suggests these features, the cited combination cannot disclose or suggest all the features of claim 55.

At least for these reasons, dependent claim 56 is patentable over the combination of Lovegety and Sehr.

Claims 57 and 59 are directed to subject matter similar to claim 55 and are patentable for the same reasons, as are dependent claims 58, 60, and 61.

The combination of Lovegety and Sehr also fails to disclose or suggest the following features of claim 62:

a network entity arranged to associate a digital collectible card data file with a first mobile communication phone,

the short-range wireless communication transceiver of the first mobile communication phone being arranged to detect a request for availability of the digital collectible card data file from the second mobile communication phone, and

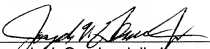
the short-range wireless communication transceiver of the first mobile communication phone arranged to communicate in order to trade the digital collectible card data file to the second mobile communication phone.

Applicants respectfully submit that there is no disclosure in either reference related to a network entity arranged to associate a digital collectible card data file with a first mobile communication phone. In addition, neither reference has any disclosure related to a short-range wireless communication transceiver arranged to detect a request for availability of the digital collectible card data file from a mobile phone. Furthermore, neither reference discloses a short-range wireless communication transceiver further arranged to communicate so that the digital collectible card data file can be traded with another cellular phone. Because neither reference discloses or suggests these features, the cited combination does not disclose or suggest all the features of claim 62.

It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable consideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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